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UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA – SAN FRANCISCO DIVISION

DANA GOLD, TAMMY EMERY, MARY  
LOUISE FERENC, LAURA NORRIS,  
DONALD FURSMAN, and JOHN TRIANA,  
on behalf of themselves and all others  
similarly situated,

Plaintiffs,

v.

LUMBER LIQUIDATORS, INC., a Delaware  
corporation; and DOES 1 through 200,  
inclusive,

Case No. 3:14-cv-05373-RS

**STIPULATION AND  
ORDER TO MODIFY CLASS  
DESCRIPTION IN FINAL APPROVAL**

**CLASS ACTION**

Complaint Filed: December 8, 2014  
Sixth Am. Compl. Filed: January 3, 2020

Plaintiffs Dana Gold, Tammy Emery, Edwin Mendez, Christopher Massaro, Russell Dornan, Laura Norris, John Foster, Donald Fursman, and John Triana (“Plaintiffs”), on behalf of themselves and all others similarly situated, and Defendant Lumber Liquidators, Inc. (“Defendant”), through their undersigned counsel, hereby stipulate as follows pursuant to Local Rule 7-12:

WHEREAS, on October 22, 2020 the Honorable Judge Richard Seeborg issued and filed an Order Granting Final Approval Of The Settlement Agreement (ECF 331).

WHEREAS, on Page 5, lines 12 through 14, the October 22, 2020 Order Granting Final Approval Of The Settlement Agreement defines the Settlement Class as follows:

All individuals in any of the fifty states and all territories of the United States who purchased, for personal, family, or household use, Morning Star Strand Bamboo Flooring sold by Lumber Liquidators, Inc. from January 1, 2012 to the present.

WHEREAS, the Sixth Amended Class Action Complaint, defines each class as comprised of individuals:

who purchased, for personal, family, or household use, Morning Star Strand Bamboo Flooring manufactured and sold by Lumber Liquidators, Inc. from January 1, 2012 **to March 15, 2019.**

Sixth Amended Class Action Complaint (ECF 288), pages 27-28 (emphasis added).

WHEREAS, the Agreement of Settlement and Compromise defines the class period:

j. “Class Period” means January 1, 2012 **through March 15, 2019;**

Page 8, Agreement of Compromise and Settlement attached as Exhibit 1 (ECF 270-1) to the Declaration of Michael F. Ram in Support of Motion for Preliminary Approval.

WHEREAS, the Parties respectfully submit the following Stipulation and Request for an Order:

### **STIPULATION**

THEREFORE, and subject to the Court’s approval, the Parties stipulate through their respective attorneys and request that the Court modify the Settlement Class definition in the Order Granting Final Approval Of The Settlement Agreement by changing the end date of the Settlement Class Definition from “from January 1, 2012 to the present” to “from January 1, 2012 to March 15, 2019” as indicated in bold text:

1 All individuals in any of the fifty states and all territories of the United States who  
2 purchased, for personal, family, or household use, Morning Star Strand Bamboo  
3 Flooring sold by Lumber Liquidators, Inc. from January 1, 2012 to **March 15,**  
**2019.**

4 Dated: April 9, 2021

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Attorneys for the Classes

23 Dated: April 9, 2021

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**ORDER**

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: April 13, 2021



Hon. Richard Seeborg  
Chief United States District Judge